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**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**Civil Revision P.R. No.3826/2006**

**Single Bench:** Hon'ble Shri Dilip Raosaheb Deshmukh, J.

**APPLICANT** Ajay son of Rambohrik. Caste-Soni, aged 38 years, Through his Agent wife namely Smt. Shakuntala Soni wife of Ajay, aged about 35 years, resident of Amapara Ward, Dhamtari, District-Dhamtari, (C.G.)

**VERSUS**

**NON-APPLICANT**

1. Nand Kumar, son of Rajaram Jangde, aged about 35 years, resident of Barchha, Tehsil-Arang, District-Raipur (C.G.)
2. Nar Singh son of M.L.Agrawal aged about 40 years, through Shri Goyal Transport Mandir, Hasaud, resident of Mandir Hasaud, District-Raipur (C.G.)
3. National Insurance Co. Ltd. G.E.Road, Krishna Complex, Raipur, District-Raipur (C.G.)

Shri Sunil Sahu, counsel for the applicant.

ORAL ORDER

(Passed on 30-03-2007)

Heard on application for condonation of delay in filing this Civil Revision.

2. For the reasons mentioned in the application, it is allowed and the delay in filing this Civil Revision is condoned.

3. This Civil Revision is being finally disposed of at the stage of admission without notice to the non-applicants.

4. Heard finally.

5. Brief facts are that the applicant suffered a permanent disability due to an accident that occurred on 14-05-2003. The applicant has filed Claim Case No.17 of 2004 through his agent-wife namely Smt. Shakuntala Soni which was settled in Lok Adalat on 10-01-2006. The Insurance Company deposited the amount of Rs.3 Lakh before the learned Motor Accident Claims Tribunal. The applicant filed an application for payment of the amount deposited by the Insurance Company on the ground that in treatment of the husband lot of expenditure had been incurred by obtaining loan which was required to be repaid. However, the Court while passing the impugned order dated 28-03-2006 permitted the applicant to withdraw a sum of Rs.25,000/- only and directed that the remaining amount of Rs2,50,000/- shall be

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deposited for 5 years in fixed deposit. The impugned order passed by the learned Motor Accident Claims Tribunal, Dhamtari is liable to be set-aside. Since the matter was compromised in Lok Adalat and the applicant had disclosed a genuine requirement of the amount of compensation paid by the Insurer upon settlement arrived at between the parties in Lok Adalat, the learned Motor Accident Claims Tribunal ought to have directed the entire amount deposited as compensation by the Insurer to be paid to the applicant.

In the result, this Civil Revision is allowed. The impugned order dated 28-03-2006 passed by the learned Motor Accident Claims Tribunal, Dhamtari in Claim Case No.17 of 2004 is set-aside. The applicant shall be entitled to receive the entire amount of compensation deposited by the Insurer through his Agent wife Smt. Shakuntala Soni.

Sd/-
Dilip Raosaheb Deshmukh
Judge